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Respectfully submitted,

By: By S. K.

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BANNER & WITCOFF, LTD.

Atty. Docket No.
005127.00033

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Daniel R. Potter et al.

U.S. Pat. App. No.: 10/099,685

Filed: March 14, 2002

For: CUSTOM FIT SALE OF FOOTWEAR

Examiner: Andrew J. Rudy

Group Art Unit: 3627

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement dated August 6, 2003, Applicants respectfully elect to prosecute claims 10-14 (Group II) of the application, which are drawn to a shoe distribution center.

Applicants courteously traverse the outstanding restriction requirement, however, and ask

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U.S. Pat. App. No.: 10/099,685
Atty. Docket No.: 005127.00033

that it be withdrawn. The MPEP directs that:

If the search and examination of an entire application can be made without *serious* burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. (See MPEP §803, *emphasis added*).

In this instance, Applicants submit that the Examiner has not shown why the examination of all of the pending claims in this application would present a serious burden. Therefore, Applicants again request that this Restriction Requirement be withdrawn in accordance with MPEP §803.

It is believed that no fees are required for the consideration and entry of this Response. If, however, the Commissioner believes fees are required, he is authorized to charge such fees to Deposit Account No. 19-0733.

Examination on the merits is respectfully awaited.

Respectfully submitted,

BANNER & WITCOFF, LTD.

By: _____

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September 8, 2003

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Examiner A. Rudy, Group Art Unit 3627

Byron S. Kuzara for Thomas L. Evans

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RE:

Response To Restriction Requirement

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